



ENTERED
05/11/2010

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:

SKYPORT GLOBAL
COMMUNICATIONS, INC.,

Debtor.

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Case No. 08-36737-H4-11

JOANNE SCHERMERHORN, ET AL.

Plaintiffs,

v.

CENTURYTEL, INC. (A/K/A
CENTURYLINK), ET AL.

Defendants.

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Adversary No. 10-03150

**ORDER GRANTING DEFENDANTS' MOTION TO STRIKE PLAINTIFFS'
UNTIMELY RULE 9027(e)(3) STATEMENT**
[Adv. Doc. No. 9]

On April 13, 2010, the Defendants filed their Motion to Strike Plaintiffs' Untimely Rule 9027(e)(3) Statement (the Motion). [Adv. Doc. No. 9]. The Motion contains conspicuous language setting forth that any response opposing the Motion should be filed within 21 days of the date that the Motion was served, and that if no response is timely filed, this Court may grant the relief without further notice.

As of May 11, 2010, the Plaintiffs have failed to file a response. The Court has reviewed the Motion, and its legal arguments have merit. Specifically, the Motion contains reference to the applicable Bankruptcy Rule and case law which, when read collectively, stand for the proposition that an objection by a removing party (here, the Defendants) to an untimely-filed Rule 9027(e)(3) statement opposing removal (which was filed by the Plaintiffs) should be sustained. Here, there is

no question based upon the Court's review of the docket that the Rule 9027(e)(3) statement filed by the Plaintiffs was untimely filed; the deadline for filing was April 9, 2010, and it was not filed until April 13, 2010. [Adv. Doc. No. 8].

Thus, the Plaintiffs were tardy in filing their Rule 9027(e)(3) statement, and they have also been tardy in filing a response to the Motion; indeed, they have filed no response. The Plaintiffs have telegraphed to this Court that they do not care about complying with the Rules or rebutting reasonable legal arguments made by the Defendants. Under these circumstances, the Court finds that the Motion should be granted. It is therefore:

ORDERED that the Defendants' Motion to Strike Plaintiffs' Untimely Rule 9027(e)(3) Statement should be granted; and it is further

ORDERED that the Plaintiffs' Statement Pursuant to Bankruptcy Rule 9027(e)(3) Concerning Removal is stricken in its entirety.

Signed on this 11th day of May, 2010.

A handwritten signature in black ink, appearing to read 'Jeff Bohm', with a long horizontal flourish extending to the right.

Jeff Bohm
United States Bankruptcy Judge